

## AGENDA

### COMMITTEE ON BILLS ON SECOND READING

May 24, 2004

Aldermen Lopez, Roy,  
Sysyn, DeVries, O'Neil

6:00 PM

Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)

1. Chairman Lopez calls the meeting to order.
2. The Clerk calls the roll.
3. Ordinance:  
    "Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the code of Ordinances of the City of Manchester."  
    **Ladies and Gentlemen, what is your pleasure?**
4. Ordinance:  
    "Amending Section 70.57(A) Parking Rates of the code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage."  
    **Ladies and Gentlemen, what is your pleasure?**
5. Ordinance:  
    "Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester."  
    **Ladies and Gentlemen, what is your pleasure?**
6. Report of the Committee on Administration/Information Systems recommending that the Board approve an ordinance establishing a 100-foot distance from the door of a polling location to the beginning of the 10-foot corridor allowed by statute for people holding signs at the polling places.  
    *(Note: Solicitor's office to present ordinance at meeting.)*  
    **Ladies and Gentlemen, what is your pleasure?**

7. Report of the Committee on Administration/Information Systems recommending that the Board of Aldermen set the Mayor's base salary at \$85,000.00 per year effective January 2006 and that each year that a mayor provides continuous service the salary for such position shall be increased in accordance with the Consumer Price Index (CPI). At any time a person initiates a term of office, or is appointed to complete an unexpired term of office, for the position of mayor the salary shall initiate at the base salary of \$85,000.00. The Committee further recommends that such provisions of salary for the mayor be forwarded to the voters as a non-binding referendum question.

**Ladies and Gentlemen, what is your pleasure?**

### **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

8. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

*(Tabled 11/06/2002)*

9. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM478, Lot 8, located on Candia Road.”

*(Tabled 10/14/2003)*

10. If there is no further business, a motion is in order to adjourn.



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the Board approve amending an Office of Youth Services class specification, and for such purpose Ordinance:

“Amending Sections 33.024, 33.025, & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review. The Committee notes that such change provides for the deletion of Youth Services Counselor I position and establishes a Youth Services Counselor position without changing the salary grade of any current employee.

At a meeting of the Board of Mayor and Aldermen  
held 4/20/2004 on a motion of Ald. O'Neil  
duly seconded by Ald. Lopez the report  
of the Committee was accepted and its recommendations  
(adopted) (denied)

[Signature]  
City Clerk

Respectfully submitted,

[Signature]  
Clerk of Committee

City of Manchester  
New Hampshire

*In the year Two Thousand and*

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AN ORDINANCE

"Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Delete classifications, Youth Services Counselor I & II  
Establish revised classification, Youth Services Counselor

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Delete classifications, Youth Services Counselor I & II  
Establish revised Youth Services Counselor, Grade 18, exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Delete class specifications, Class Code 7210, Youth Services Counselor I & II  
Establish revised class specification, Class Code 7210, Youth Services Counselor (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

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# City of Manchester, New Hampshire

## Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	Youth Services Counselor I
<b>Class Code Number</b>	7200

### General Statement of Duties

Provides crisis intervention to juvenile offenders, youths at risk and other adolescents and their families; performs directly related work as required.

### Distinguishing Features of the Class

The principal function of an employee in this class is to provide crisis intervention, short term counseling and appropriate referrals to various populations of juveniles and their families. The work is performed under the supervision and direction of the Youth Services Counselor II but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other Department employees, law enforcement officials, representatives of the juvenile justice system, other health and social service agencies, school personnel and the public. The principal duties of this class are performed various settings throughout the City, often in hazardous conditions and extreme weather conditions.


### Examples of Essential Work (illustrative only)

- Provides short term counseling to adolescent and family members;
- Determines needs of adolescent and/or family members and makes referrals to appropriate agencies;

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- ✓ Maintains ongoing relationship with law enforcement officials and representatives of the juvenile court system, receives referrals and produces reports;
- Monitors a victim restitution program, including keeping current records of payments and balance due;
- Writes behavior and restitution contracts;
- Consults with area agencies as appropriate;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

- Substantial knowledge of the theory, principles and techniques of counseling;
  - Substantial knowledge and ability to deal with youth at risk;
  - Substantial knowledge of human behavior principles;
  - Substantial knowledge of area health and social service agencies;
  - Some knowledge of the juvenile justice system;
  - Ability to interact with youth at risk on their turf;
  - Ability to assess needs of youth at risk;
  - Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
  - Ability to understand and follow oral and/or written policies, procedures and instructions;
  - Ability to prepare and present accurate and reliable reports containing findings and recommendations;
  - Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
  - Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
  - Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
  - Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
  - Integrity, ingenuity and inventiveness in the performance of assigned tasks.
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**Acceptable Experience and Training**

- Graduation from an accredited college or university with a Master's Degree in Counseling or a related field; and
- Some experience in youth service programs, criminal justice, education or social services; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

**Required Special Qualifications**

- None.

**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review assigned programs;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to function in operate a personal computer and related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to function in a general office environment.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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# City of Manchester, New Hampshire

## Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Youth Services Counselor II
Class Code Number	7210

### General Statement of Duties

Provides crisis intervention to juvenile offenders, youths at risk and other adolescents and their families; performs directly related work as required.

### Distinguishing Features of the Class

The principal function of an employee in this class is to provide crisis intervention, short term counseling, substance abuse assessments and appropriate referrals to various populations of juveniles and their families. The work is performed under the supervision and direction of the Youth Services Director but extensive leeway is granted for the exercise of independent judgement and initiative.

This class is distinguished from the class of Youth Services Counselor II by the performance of supervisory functions and/or acting as a certified Youth Services Substance Abuse Evaluator. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other Department employees, law enforcement officials, representatives of the juvenile justice system, other health and social service agencies, school personnel and the public. The principal duties of this class are performed various settings throughout the City, often in hazardous conditions and extreme weather conditions.


### Examples of Essential Work (illustrative only)

- Provides short term counseling to adolescent and family members;
- Determines needs of adolescent and/or family members and makes referrals to appropriate agencies;

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- Administers psycho/social tests, scores and interprets results and writes correlating reports;
- Maintains ongoing relationship with law enforcement officials and representatives of the juvenile court system, receives referrals and produces reports;
- Represents the agency at professional gatherings and community activities;
- Develops and presents educational programs;
- Consults with area agencies as appropriate;
- Supervises staff as assigned;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
**(at time of appointment)**

- Thorough knowledge of the theory, principles and techniques of counseling;
  - Thorough knowledge and ability to deal with youth at risk;
  - Thorough knowledge of human behavior principles;
  - Thorough knowledge of area health and social service agencies;
  - Thorough knowledge of the principles, practices and procedures of substance abuse therapy;
  - Ability to interact with youth at risk on their turf;
  - Ability to assess needs of youth at risk;
  - Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
  - Ability to understand and follow oral and/or written policies, procedures and instructions;
  - Ability to prepare and present accurate and reliable reports containing findings and recommendations;
  - Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
  - Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
  - Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
  - Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
  - Integrity, ingenuity and inventiveness in the performance of assigned tasks.
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**Acceptable Experience and Training**

- Graduation from an accredited college or university with a Master's Degree in Counseling or a related field; and
- Considerable experience in youth service programs, criminal justice, education or social services; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

**Required Special Qualifications**

- May require State certificate in Alcohol and Drug Abuse Counseling

**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review assigned programs;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to function in operate a personal computer and related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to function in a general office environment.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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# City of Manchester, New Hampshire

## Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Youth Services Counselor
Class Code Number	7210-18

### General Statement of Duties

Provides crisis intervention to juvenile offenders, youths at risk and other adolescents and their families; performs directly related work as required.

### Distinguishing Features of the Class


The principal function of an employee in this class is to provide crisis intervention, short term counseling, substance abuse assessments, *prevention services* and appropriate referrals to various populations of juveniles and their families. The work is performed under the supervision and direction of the Youth Services Director but extensive leeway is granted for the exercise of independent judgement and initiative. **This class is distinguished from the class of Youth Services Counselor II by the performance of supervisory functions and/or acting as a certified Youth Services Substance Abuse Evaluator.** *At the discretion of the Youth Services Director, the Youth Services Counselor will provide supervision. Youth Service Counselors are responsible to provide substance abuse evaluation either independently or under the supervision of a licensed alcohol and drug counselor.* The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other Department employees, law enforcement officials, representatives of the juvenile justice system, other health and social service agencies, school personnel and the public. The principal duties of this class are performed various settings throughout the City, often in hazardous conditions and extreme weather conditions.

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**Examples of Essential Work**  
(illustrative only)

- **Provides short term counseling to adolescent and family members;**
- *Provides counseling, intervention and prevention services to young people and their families;*
- *Operates as a member of the Office of Youth Services Team by supporting and consulting with other team members under the supervision of the Director;*
- *Consistently behaves in accordance with the ethical standards and principles of any and all professional organizations with which they are affiliated;*
- *Determines needs of adolescent and/or family members and makes referrals to appropriate agencies;*
- *Administers psycho/social tests, scores and interprets results and writes correlating reports;*
- *Maintains ongoing relationship with law enforcement officials and representatives of the juvenile court system, receives referrals and produces reports;*
- *Represents the agency at professional gatherings and community activities;*
- *Develops and presents educational programs;*
- *Consults with area agencies as appropriate;*
- *Supervises staff as assigned;*
- *Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;*
- *Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;*
- *Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;*
- *Responds to citizens' questions and comments in a courteous and timely manner;*
- *Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;*
- *Performs other directly related duties consistent with the role and function of the classification.*

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

- Thorough knowledge of the theory, principles and techniques of counseling;
  - Thorough knowledge and ability to deal with youth at risk;
  - Thorough knowledge of human behavior principles;
  - Thorough knowledge of area health and social service agencies;
  - Thorough knowledge of the principles, practices and procedures of substance abuse therapy;
  - Ability to interact with youth at risk on their turf;
  - Ability to assess needs of youth at risk;
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- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- *Ability to work as a part of a multi-disciplinary team;*
- *Ability to practice within the ethical standards and principles of any and all organizations to which they belong;*
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.


#### **Acceptable Experience and Training**

- Graduation from an accredited college or university with a Master's Degree in Counseling or a related field; and
- Three years of experience in youth service programs, criminal justice, education or social services; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

#### **Required Special Qualifications**

- May require State certificate in Alcohol and Drug Abuse Counseling;
- May require State Certificate in Alcohol and Other Drug Use Prevention

#### **Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
  - Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review assigned programs;
  - Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to function in operate a personal computer and related equipment;
  - Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to function in a general office environment.
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Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

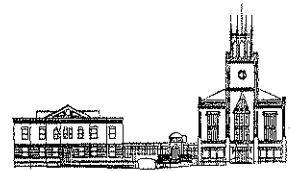
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# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
Manchester, New Hampshire 03101-1932  
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



March 26, 2004

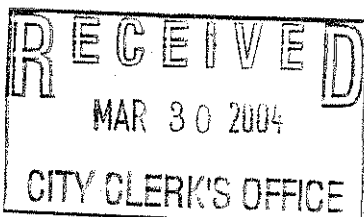
Alderman Bill Shea, Chairperson  
Human Resource and Insurance Committee  
City of Manchester  
City Hall  
Manchester, New Hampshire 03101

Re: Request to Reclassify Position and Revise Class Specs

Dear Alderman Shea and Members of the Committee:

Currently the Office of Youth Services has two Youth Services Counselor II positions, salary grade 18 and one Youth Services Counselor I position, salary grade 17. The major difference in the class specs for the two levels is that the Youth Services Counselor II may be asked to assume supervisory functions and may be required to be licensed as a Licensed Alcohol and Drug Abuse Counselor. Marty Boldin has reviewed the two levels of the class specifications and has determined that only one level is necessary to provide services to the youth of Manchester. I concur with his analysis and as such I am requesting that you approve the following:

- Eliminate the two levels of Youth Services Counselors and establish one level to be classified as Youth Services Counselor at salary grade 18;
- Reclassify and reallocate the current Youth Service Counselor I to the new title of Youth Services Counselor, salary grade 18.





Alderman Bill Shea

-2-

March 26, 2004

I have attached copies of the current class specifications for Youth Services Counselor I and II as well as the new proposed Youth Services Counselor for your review. The wording that is in bold in the proposed specification is wording to be eliminated from the spec. The wording that is italicized is new language

Your favorable approval of these changes would be greatly appreciated.

Sincerely,

Virginia A. Lamberton  
Human Resources Director

Attachments

Cc: Marty Boldin, Director

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that is has reviewed Ordinance:

"Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage."

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen  
held 4/20/2004 on a motion of Ald. O'Neil  
duly seconded by Ald. Lopez the report  
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

  
City Clerk

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# City of Manchester New Hampshire

*In the year Two Thousand and Four*

## AN ORDINANCE

"Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amending Section 70.75(A) Parking Rates of the Code of Ordinances by deleting language stricken (---). Language of Section 70.57(A) not struck through remains unchanged.

### § 70.57 PARKING RATES.

Except as otherwise ordered by the Board of Mayor and Aldermen, rates shall be charged for parking in city-owned facilities and on-street as follows:

#### (A) Parking garage rates:

- (1) Hourly rate of \$0.50 per hour 6:00 a.m. to 6:00 p.m. Monday through Saturday excluding holidays: Center of NH Garage, ~~Canal Street Garage~~, Victory Garage
- (2) Monthly rate \$65.00 for 6:00 a.m. to 7:00 p.m. Monday through Friday excluding holidays: Center of NH Garage, ~~Canal Street Garage~~, Victory Garage, Fleet Bank Garage, Wall Street Garage
- (3) Monthly rate \$75.00 – 24 hours per day Monday through Saturday excluding holidays (includes posted civic center event times): Center of NH Garage, ~~Canal Street Garage~~, Victory Garage
- (4) Prepay rate after 6:00 p.m. Monday through Saturday excluding holidays: Victory Garage - \$3.00 per vehicle
- (5) Validation Program 6:00 a.m. to 8:00 p.m. (including civic center event nights), three hour limit: ~~Canal and Victory Garages~~ (Validating tickets available to retailers at a cost of \$0.25 per ticket. Each ticket good for one hour free parking.)

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# City of Manchester New Hampshire

*In the year Two Thousand and Four*

## AN ORDINANCE

"Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (6) Civic Center Event Parking Fees – (to be posted for Civic Center events)
  - (a) Center of NH Garage - \$10.00
  - (b) Victory Garage and ~~Canal Street Garage~~ - \$3.00 prepay, Monday through Friday Early Bird Special 4:00 p.m. – 6:00 p.m. arrival time; \$5.00 prepay Monday through Friday after 6:00 p.m., Saturday/Sunday starting two hours prior to event

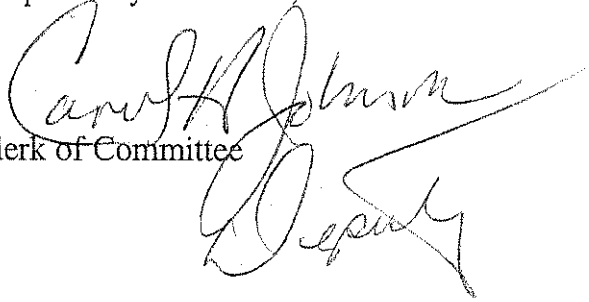
II. This Ordinance shall take effect upon its passage.

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance recommends that a proposal from the Public Works Department for a new Facilities Division be approved and for such purposes ordinances have been submitted and are recommended to be referred to the Committee on Bills on Second Reading for technical review. The Committee also notes that the position of Clerk of the Works will not be funded in the next fiscal year general fund operating budget.

Respectfully submitted,

  
Clerk of Committee

At a meeting of the Board of Mayor and Aldermen  
held 4/20/2004 on a motion of Ald. O'Neil  
duily seconded by Ald. Lopez the report  
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

  
City Clerk

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# City of Manchester New Hampshire

*In the year Two Thousand and Four*

## AN ORDINANCE

"Amending Sections 32.19, Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting a new section to Chapter 32 as follows:

### **SECTION 32.19 DEPARTMENT OF BUILDING MAINTENANCE DIVISION**

The "division of Building Maintenance Division: shall be known as the "division of Facilities Division."

The division of Facilities Division shall consist of a Chief Facilities Engineer, Facilities Engineer and Clerk of the Works.

All personnel within the department of personnel are transferred to the Facilities Division.

### **SECTION 33.024 CLASSIFICATION OF POSITIONS be amended as follows:**

Establish Chief Facilities Manager, Class Code 5799  
Establish Facilities Superintendent, Class Code 5797  
Establish Clerk of the Works, Class Code 5798

### **SECTION 33.025 COMPENSATION OF POSITIONS be amended as follows:**

Establish Chief Facilities Manager, Grade 25, Class Code 5799  
Establish Facilities Superintendent, Grade 21, Class Code 5797  
Establish Clerk of the Works, Grade 17, Class Code 5798

### **SECTION 33.026 CLASS SPECIFICATIONS be amended as follows**

Establish Chief Facilities Manager, Class Code 5799  
Establish Facilities Superintendent, Class Code 5797  
Establish Clerk of the Works, Class Code 5798

- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

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# Proposed



## City of Manchester, New Hampshire

### Class Specification

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<b>Class Title</b>	Chief Facilities Manager
<b>Class Code Number</b>	5796-25

#### General Statement of Duties

Directs administrative, engineering, building construction, operational and maintenance activities of the Facilities Division and the related facilities and services; performs directly related work as required.

#### Distinguishing Features of the Class

The principal function of an employee in this class is to oversee all activities within Facilities Division operations. The work is performed under the supervision and direction of the Deputy Public Works Director and Public Works Director but extensive leeway is granted for the exercise of independent judgement and initiative. Supervision is exercised over the work of all employees in the Facilities Division. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Federal, State, and local governmental officials, consultants, contractors, business and community organizations, other City employees and the public. The principal duties of this class are performed in a general office environment with some outdoor work involving inspections and tours of the City's buildings with some exposure to potential personal hazards.


#### Examples of Essential Work (illustrative only)

- Performs general and executive management of the Facilities Division;
- Plans, organizes, implements and directs the operation and maintenance functions of building construction, improvement, maintenance, and custodial operations;

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- Identifies outsourcing needs, administers and supervises all contracts for consultant services to include architects, mechanical, civil, electrical and environmental engineers;
- Develops plans for future projects and continued improvements in facility operations;
- Sets goals and establishes policies and procedures to protect the City's capital assets;
- Supervise activities of a diverse staff, including professional, technical, skilled and support personnel;
- Assigns, modifies and implements procedures and programs for operation, maintenance, support functions and safety of facilities;
- Prepares contracts for various Facility programs and projects, including custodial and preventive maintenance, major equipment purchases and building construction projects;
- Approves recommendations for hiring, termination and disciplinary actions;
- Develops, administers and monitors budgets including capital and replacement functions, innovative organization, planning for future needs, and reviewing and implementing all purchases and building construction;
- Prepares reports and correspondence relating to activities of the Division to meet regulatory requirements, document activities and efficiency of operation, develop plans and improvements, respond to requests from elected officials and the public to ensure the public well being and interest;
- Reviews new legislation and regulations, as they relate to the design, rehabilitation, operation and maintenance of facilities, and reports on potential impact to the City;
- Monitors and develops public relations with concerned parties regarding activities;
- Coordinates and manages major capital improvement contracts relating to City buildings;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

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- Comprehensive knowledge of principles and practices of building construction and maintenance;
  - Management, including planning, budgeting and personnel administration;
  - Comprehensive knowledge of current applicable federal, state and local laws, rules and regulations for building construction and management operations;
  - Comprehensive knowledge of building design, construction and maintenance;



- Thorough knowledge of the principles and practices associated with public administration;
- Thorough knowledge of engineering principles and practices including mechanical, electrical and energy management systems;
- Thorough knowledge of current developments in the field of building construction techniques and management practices;
- Ability to train, assign, motivate, supervise and evaluate the work of others;
- Ability to plan, organize and manage engineering and building construction projects;
- Ability to plan, develop and evaluate optimal energy usage strategies;
- Ability to organize and direct procedures for budget preparation, supply, purchasing, facility maintenance, financial reporting, and personnel administration;
- Ability to demonstrate compliance with all applicable rules and regulations, and to operate a safe, effective Division within budget;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

#### **Acceptable Experience and Training**

- Graduation from an accredited college or university with a Bachelor's Degree in Interdisciplinary Engineering and Management ; or
- A Bachelor's Degree in Civil, Mechanical, or Electrical Engineering, with a minor in one of the remaining or a closely related field; or
- Graduation from an accredited college or university with a Bachelor's Degree in Architecture with comprehensive knowledge of mechanical, electrical and civil engineering principals; and
- Seven years of experience in building construction and facilities management;

#### **Required Special Qualifications**

- Certification commensurate with discipline and/or experience.

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**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review a wide variety of written material in electronic or hardcopy form;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a personal computer and related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to various buildings throughout the City.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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# Proposed



## City of Manchester, New Hampshire

### Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	<b>Facilities Superintendent</b>
<b>Class Code Number</b>	5797-21

#### General Statement of Duties

Performs engineering work in the management of public improvement and building construction projects; performs directly related work as required.

#### Distinguishing Features of the Class


The principal function of an employee in this class is to perform management of public improvement engineering and building construction projects, including the supervision and review of engineering designs. The work is performed under the supervision and direction of the Chief Facilities Engineer or other assigned supervisors, but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with the Chief Facilities Engineer, other City employees, consultants, business and community organizations, and the general public. The principal duties of this class are performed in general office environment, and/or at various building construction sites throughout the City.

#### Examples of Essential Work (illustrative only)

- Plans, and supervises the development, installation, improvement, and construction of civic projects;
- Oversees facilities engineering projects in the design and development of proposed alterations, installations or construction of equipment and facilities, including preparing specifications, and cost estimates;

- Reviews project's schedule and fiscal objectives, and takes the appropriate measures to ensure a timely and effective completion;
- Reviews for conformity of plans and specifications with all current national codes and standards;
- Reviews consultant's plans, specifications, and estimates for proposed facility improvements by private contractors;
- Oversees the coordination of procurement, scheduling, and supervision of work by outside contractors, and performs inspections of completed work as required;
- Coordinates new construction and renovation efforts with building programs, including arranging schedules, plans, and guides;
- Develops concepts, designs, and budgets designated City improvement and/or building construction projects, including preparing estimates, and specifications to develop modifications and enhancements to existing facilities;
- Supervises and directs the work of other building construction related personnel;
- Provides advice and consultation to departmental personnel, including evaluating complex building construction issues, and determining and taking the appropriate measures to ensure a timely and effective resolution;
- Analyzes reports, maps, drawings, blueprints, tests, and related information in project planning and design, including calculating costs and project feasibility;
- Coordinates with contractors, consulting engineers, and other officials to gather and disseminate information, and maintain related records as required;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

- 
- Thorough knowledge of civil or mechanical and/or electrical engineering principles, practices, and techniques;
  - Substantial knowledge of the principles and practices of engineering design;
  - Substantial knowledge of engineering drafting standards, symbols, and design methods;
  - Substantial knowledge of building construction methods, materials, and equipment;
  - Ability to operate Auto Cad and Engineering software, including programmable calculators;

- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

#### **Acceptable Experience and Training**

- Graduation from an accredited college or university with a Bachelor's Degree in Interdisciplinary Engineering and Management; or
- A Bachelor's degree in Civil, Mechanical, or Electrical Engineering with a minor in one of the remaining or a closely related field; or
- Graduation from an accredited college or university with a Bachelor's Degree in Architecture with comprehensive knowledge of mechanical, electrical and civil engineering principles; and
- Five years of extensive facilities operations experience.

#### **Required Special Qualifications**

- On Call Status;
- Valid New Hampshire Driver's License;
- Certification commensurate with discipline and/or experience.

#### **Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to produce clear, concise, and quality engineering designs;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate computerized equipment and other related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to various construction sites throughout the City.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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# Proposed



## City of Manchester, New Hampshire

### Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	Clerk of the Works
<b>Class Code Number</b>	5798-17

#### General Statement of Duties

Performs inspections in building construction areas; performs directly related work as required.

#### Distinguishing Features of the Class


The principal function of an employee in this class is to ensure all applicable guidelines are being followed in building construction and renovation projects. The work is performed under the supervision and direction of an assigned supervisor but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors, business and homeowners and the public. The principal duties of this class are performed in indoor and outdoor work environments.

#### Examples of Essential Work (illustrative only)

- Inspects building construction projects performed by City crews, private contractors or utility companies, including excavations, building construction, repair and maintenance of mechanical, electrical, and other various building component operations and related areas;
- Monitors and inspects construction equipment and supplies for adherence to quality control and specification requirements;
- Checks for permits issued as dictated by prescribed guidelines;

- Reviews, analyzes and researches building construction plans, projects and specifications for conformity with standards, regulations and operating practices;
- Operates and maintains files and coordinates activities of contractors, facility occupants and/or utilities with work scheduled by City crews and independent contractors;
- Maintains thorough and accurate documentation of all inspection processes;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

- Thorough knowledge of professional standards as applied to inspections processes;
  - Thorough knowledge of the types and grades of tools, equipment and materials used in civic construction projects;
  - Some knowledge of engineering principles;
  - Thorough knowledge of building construction procedures and techniques.
  - Working knowledge of the various trades involved in large building construction.
  - Knowledge of codes and other state and local laws, rules and regulations pertaining to building construction and site preparation.
  - Skill in negotiating agreements between contractors and City.
  - Ability to read and interpret blueprints and other plans and specifications.
  - Ability to supervise and inspect the work of contractors and sub-contractors to ensure adherence to plans and specifications.
  - Ability to make decisions on building construction problems.
  - Ability to train and supervise subordinate personnel as well as other employees assigned to construction projects.
  - Ability to perform basic drafting as appropriate to assigned tasks;
  - Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
  - Ability to understand and follow oral and/or written policies, procedures and instructions;
  - Ability to prepare and present accurate and reliable reports containing findings and recommendations on inspections processes;
  - Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- 

- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

#### Acceptable Experience and Training

- Graduation from High School or possession of a GED; and
- Four years of experience in building construction projects; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

#### Required Special Qualifications

- Valid New Hampshire Driver's License;
- On Call Status (MWW);

#### Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to inspect civic construction work under conditions encountered on construction sites;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to work around construction equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to visit building construction sites throughout the city, and to climb, crawl in tight places and otherwise move through and around construction sites.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the Board approve an Ordinance establishing a 100 foot distance from the door of a polling location to the beginning of the 10 foot corridor allowed by statute for people holding signs at the polling places.

The Committee recommends that same be referred to the Committee on Bills on Second Reading for technical review and to the City Solicitor for language preparation.

At a meeting of the Board of Mayor and Aldermen

held April 6, 2004 on a motion of Ald. O'Neil

duly seconded by Ald. Porter the report

of the Committee is accepted and its recommendations

(adopted)

Sh. R. Bernier

City Clerk

Respectfully submitted,

Carol A. Johnson

Clerk of Committee

Deputy

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems, respectfully recommends, after due and careful consideration, that the Board of Aldermen set the Mayor's base salary at \$85,000.00 per year effective January 2006 and that each year that a mayor provides continuous service the salary for such position shall be increased in accordance with the Consumer Price Index (CPI). At any time a person initiates a term of office, or is appointed to complete an unexpired term of office, for the position of mayor the salary shall initiate at the base salary of \$85,000.00.

The Committee further recommends that such provisions of salary for the mayor be forwarded to the voters as a non-binding referendum question.

April 6, 2004.

In Board of Mayor and Aldermen.

On motion of Alderman Roy, duly seconded by alderman Forest, it was voted to refer to the Committee on Bills on Second Reading.

  
\_\_\_\_\_  
City Clerk

Respectfully submitted,



Clerk of Committee

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11/6/05 Table pending  
info from Intam.  
1/14/03 - Remained on  
table  
6/2/03 - " "  
10/14/03 - " "  
1/20/04 - " "

To the Board of Mayor and Aldermen of the City of Manchester:

Gentlemen:

The Committee on Administration/Information Systems respectfully advises, after due and careful consideration, that it has approved Ordinances:

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

as enclosed herein; and recommends that same be referred to the Committee on

Accounts, Enrollment & Revenue Administration and the Committee on Bills on Second

Reading for technical review.

Respectfully submitted,

  
Clerk of Committee

At a meeting of the Board of Mayor and Aldermen

held July 16 2002 on a motion of Ald. Gatsas

duly seconded by Ald. O'Neil the report

of the Committee was accepted and its recommendation is

(adopted) ~~(denied)~~



City Clerk

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 1 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting §§ 111.65 through 111.70: Dances; Dance Halls; Assembly in its entirety and inserting new §§ 111.65 through 111.73: Dances; Dance Halls; Assembly. New language to the sections appear in bold (**bold**). Previous language from the sections that remain unchanged appear in regular type.

### DANCES; DANCE HALLS; ASSEMBLY

#### § 111.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A-WEIGHTED SOUND PRESSURE.** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

**DANCE HALL.** Any location, other than a food-service establishment as defined by § 117.01 of this title, which permits or permits to occur, dancing. This definition shall not include a public or private school licensed by the state or the city for the purpose of conducting regular dancing classes or dance courses of study as its regular and recurrent business activity.

**DECIBEL.** A logarithmic unit of measure often used to measure magnitudes of sound. The symbol is dB.

**ENTERTAINMENT PLACE OF ASSEMBLY.** A room or space in which provision is made for the occupancy or assembly of 100 or more persons for entertainment purposes. For the purpose of this definition such room or space shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or storied above or below, where entrance is common to the rooms, space, or areas. An entertainment place of assembly shall be classified in either two classifications, Class I or Class II. A Class I entertainment place of assembly shall apply to non-profit organizations that do not receive exemptions pursuant to § 110.08(C) of this Code. Class II entertainment places of assembly shall include all other applicants.

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 2 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**NOISE.** Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

**SOUND.** An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

**SOUND LEVEL METER.** An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute.

### § 111.66 LICENSE REQUIRED.

(A) No person shall own or operate a dance hall or entertainment place of assembly within the city unless a license shall first be obtained from the City Clerk.

(B) No person shall conduct or allow to be conducted any entertainment or public dancing which is an isolated or occasional event, and which is not part of the regular and recurrent business activity of the owner or operator of the room or space within the city unless a license shall first be obtained from the City Clerk.

(C) (1) Notwithstanding any other licensing ordinance, a duly licensed Class I and Class II restaurant in the city may allow dancing and entertainment upon obtaining an annual restaurant dance and entertainment license from the city.

(2) The application for a restaurant dance and entertainment license shall be made to the City Clerk upon forms to be determined by the City Clerk, the licensee shall be liable for any applicable police officer's fee and the license shall expire annually on April 30.

Penalty, see § 111.99

*Cross-reference:*

Business license fees, see § 110.20

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 3 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 111.67 POLICE ATTENDANCE AT FUNCTION.

When it is determined after investigation by the Chief of Police to be necessary to preserve order, protect the health, safety, and welfare of the citizens of the city, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments required to be licensed under this subchapter shall be required to hire an off-duty police officer or officers during those hours the Chief of Police deems appropriate. The Chief of Police may suspend the requirement after investigation as he deems appropriate, but his requirement may be reinstated following receipt of complaints and investigation by the Chief of Police.

### § 111.68 MINORS TO BE ACCOMPANIED BY PARENT OR GUARDIAN.

Minors under the age of 17 years shall not be admitted to a dance hall unless accompanied by parent or guardian or under the supervision of school authorities.  
Penalty, see § 111.99

### § 111.69 RESTRICTED AREAS AT DANCES.

No person attending a public dance shall enter any room designated for the use of the opposite sex.  
Penalty, see § 111.99

### § 111.70 CURFEW AT DANCES.

(A) No public dancing shall be permitted between the hours of 2:00 a.m. and 2:00 p.m. on Sunday, 1:00 a.m. and 12:00 p.m. on Monday, or 2:00 a.m. and 12:00 p.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.

(B) No exhibit of natural or artificial curiosities, theatrical performances, or other shows shall be permitted between the hours of 2:00 a.m. and 9:00 a.m. on Sunday, 1:00 a.m. and 9:00 a.m. on Monday, or 2:00 a.m. and 9:00 a.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.  
Penalty, see § 111.99

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 4 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 111.71 NOISE ACTIVITIES; PURPOSE.

The purpose of this section is to establish standards that will eliminate and reduce unnecessary noise at outdoor venues throughout the city which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

(A) No person shall conduct an event that involves the amplification of sound or speech above sixty (60) dB(A) for the purpose of presenting a musical selection, show, performance or concert at an outdoor venue within the limits of the city of Manchester without obtaining a noise permit issued by the Office of the City Clerk.

(B) The following general guidelines shall apply to the issuance of a noise permit. These guidelines are not all inclusive as other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of the events noise upon the community:

(1) All outdoor venues shall have a curfew of 10:00 p.m. Any event which exceeds this curfew shall be assessed the penalty identified in §111.99(C)(4) for each fifteen (15) minute period beyond this curfew.

(2) The Office of the City Clerk shall not grant a permit to conduct noise at level greater than 100dB(A) to be measured one hundred feet (100') from the noise source.

(3) Any sound board or mix position present at an event shall be placed at one hundred feet (100') from the noise source.

(4) The Office of the City Clerk may require any applicant to be monitored for sound levels to ensure compliance with this chapter. Monitoring may be conducted by a representative of the City or an independent third party using an appropriate sound level meter. In the event of third party monitoring, all expenses associated with the sound monitoring shall be assumed by the applicant.

(5) In granting a license, the Office of the City Clerk may impose additional conditions or stipulations it deems necessary and proper to preserve the intent of this chapter.

# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.

Page 5 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(6) Should an application for a noise permit be denied, the applicant can appeal the decision to the Committee on Administration/Information Systems of the Board of Mayor and Aldermen.

### § 111.72 PERMIT FEES.

Each application for a noise permit shall include an application fee of two hundred dollars (\$200.00) cash, money order or bank check made payable to the City of Manchester.

### § 111.73 PROHIBITED CONDUCT.

The following conduct is prohibited:

(A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.

(B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized persons while in the performance of their duties under this ordinance.

(C) Emit or cause to be emitted any noise which exceeds the established limits in §111.71(B)(2) of this chapter.

(D) Violate any subsection of §111.71 of this chapter.

(E) Conduct an event that involves the amplification of sound or speech above sixty (60) dBA for the purpose of presenting a musical selection, show, performance





# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 6 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

or concert at an outdoor venue in the city of Manchester without obtaining a license from the Office of the City Clerk pursuant to § 111.71(A).

- II. Amend the Code of Ordinances by deleting language within § 111.99: Penalty as stricken (-----) and inserting new language as bolded (**bold**). Portions of § 111.99: Penalty that remain unchanged appear in regular type.

### § 111.99 PENALTY.

(A) Any person who shall fail to comply with any of the provisions of this chapter or who shall violate any of the provisions set forth herein, **unless a penalty is specified elsewhere**, shall be subject to the penalties as set forth in § 10.99 of this code of ordinances.

(B) (1) Any person who commits an act prohibited or made unlawful by §§ 111.40 through ~~111.55~~ **111.73** of this chapter or fails to perform any act required by such subchapter shall be guilty of a violation. Each act of violation, **or in the case of continuous violation**, every day upon which any such violation shall occur shall constitute a separate offense. In addition, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorney fees, and necessary investigative costs. Parties held responsible for violations of §§ 111.40 through ~~111.55~~ **111.73** shall include corporate officers, partners, or owners as identified on the business license application or as may be otherwise identified by the ~~Police Department~~ **City** as a result of any related investigation.

(2) The Police Department is hereby authorized to seize any amusement device located within the city in contravention of any of the provisions of §§ 111.40 through 111.55. Upon such seizure the Police Department shall notify the owner of the seized devices, or the person in whose place of business the amusement device was placed, of such seizure and the reason therefor. The Police Department shall hold any such seized devices for a period of not less than ten days from the date of the required notification to the owner or operator of the premises. During this period the owner or operator may redeem any such machine by correcting the violation of this division which led to such seizure. Any amusement devices which are so seized and which are not redeemed within the ten-day period described in this division (B)(2) shall become the property of the city. Costs for transportation and storage charges will be billed to the

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 7 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

owner of any amusement devices seized and must be paid before the release of the devices from city storage. The city will be held harmless for any damage occurring during the act of confiscation, transportation, and storage of each device.

(C) Violations of § 111.73 Prohibited Conduct shall follow the penalty schedule below:

**(1) FIRST OFFENSE:**

The licensee or his representative shall be informed of the noise ordinance and corrective measures to achieve compliance. This shall constitute an official warning and should be accomplished in writing if possible.

**(2) SECOND OFFENSE:**

A citation shall be issued to the licensee or his representative in the amount of two hundred and fifty dollars (\$250.00).

**(3) THIRD OFFENSE:**

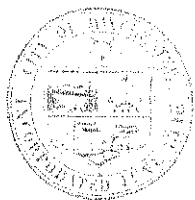
A citation shall be issued to the licensee or his representative in the amount of five hundred dollars (\$500.00).

**(4) FOURTH AND SUBSEQUENT OFFENSES:**

A citation shall be issued to the licensee or his representative in the amount of one thousand dollars (\$1000.00).

III. These ordinances shall take effect upon passage.

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# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk


Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

### MEMORANDUM

TO: Stephanie Lewry  
Exec. Director, Intown Manchester

FROM: Matthew Normand   
Deputy City Clerk

DATE: January 10, 2003

RE: Proposed Noise Ordinance

Please be advised that the Committee on Bills on Second Reading is anticipating your recommended changes to the proposed noise ordinance at the next meeting on January 14, 2003. I have attached a draft copy of the November 6, 2002 minutes for your convenience. If you have any questions, you may reach me at 624-6348.

Attachment

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# City of Manchester New Hampshire

*In the year Two Thousand and Three*

## AN ORDINANCE

Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I., Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road, and being more particularly bounded and described as follows:

Beginning at a point located at the southeasterly corner of the herein described property, at the intersection of TM 478, Lot 2, TM 727, Lots 24B & 33, also being the northeast corner of the R-SM (Residential Suburban Multifamily) and the IND (General Industrial) districts, prior to this amendment;

Thence, in a westerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 357 feet, to a point;

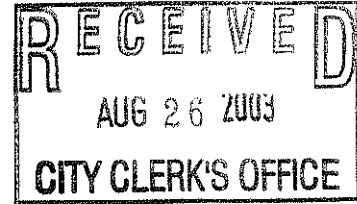
Thence, in a southerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 522 feet, to a point;

Thence, in a westerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 343 feet, to a point;

Thence, in a northerly direction along the property line of TM 478, Lot 8A & TM 478, Lot 8, also being the zone boundary line of the R-1B (Residential One Family) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 630 feet, to a point;

Thence, in a easterly direction across TM 478, Lot 8 along a metes and bound line described as North 59 degrees, 31 minutes, and 52 seconds East, also being the new zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, after this amendment, a distance of approximately 465 feet, to a point;

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August 25, 2003

VIA Hand Delivery

Board of Mayor and Aldermen  
c/o Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101

**RE: Rezone a Portion of Land of Candia Realty, LLC known as  
Tax Map 478, Lot 8 From Industrial to R-SM. And Amend  
Section 5.10 of the Zoning Ordinance.**

Ladies and Gentlemen:

This attached Petition for an amendment to the Manchester Zoning Ordinance is being made at the request of my client, Candia Realty, LLC. to rezone a portion of the existing Industrial zoned land located on Candia Road containing approximately 7.6 acres (as more specifically described in the Petition) from Industrial to Residential Suburban Multifamily (R-SM). This Petition will effectively extend the existing R-SM Zone south of the Property (which currently contains the Eastgate Apartment Complex) north to include approximately three fourths (3/4) of the Property owned by Candia Realty, LLC. The Property also abuts an existing R-1B Residential Zone to the west. In addition, we request an amendment of the Table of Uses of the Ordinance to permit Drive Through Service for restaurants allowed in the Industrial Zone.

We have already discussed this request with Robert Mackenzie of the Planning Department.

We request that the Petition be included in the proposed public hearing for other Zoning Amendments scheduled for the end of September.

STEBBINS, LAZOS & VAN DER BEKEN  
PROFESSIONAL ASSOCIATION

The Daily Mirror Building  
66 Hanover Street, Suite 301  
Manchester, NH 03101  
Telephone (603) 627-3700  
Facsimile (603) 641-8900

F:\Lazos\clients\Dunkin Donuts\Manchester Candia Rd\Zoning\lt Manchester City Clerk zoning.doc

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Thank you for your attention to this matter. If you should need any further information please feel free to call me. We also enclose a check for \$300.00 as required by the Ordinance.

Sincerely,

  
Nicholas J. Lazos

cc: Robert Mackenzie

cc: Client

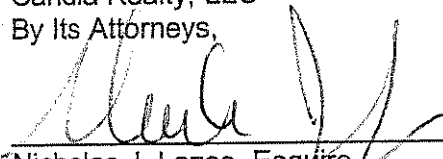
## To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully represents that for the accommodation of the public there is occasion for amending the zoning district applicable to a portion of a 10.94 acre parcel located on Candia Road and known as Map 478, Lot 8 (more particularly described on the attached Exhibit A) (the "Premises") from the current Industrial Zone (Ind) to the Residential Suburban Multifamily (R-SM) support of this Petition offers the following:

1. Map 478 Lot 8 is currently zoned Industrial and abuts the existing R-SM Zone to the south and the R-1B Residential Zone to the west. The purpose of this Petition is to extend the R-SM Zone north to include that portion of the property described in Exhibit A attached hereto and on the attached proposed Development Plan..
2. Petitioner also requests that Section 5.10 G. 6 of the Table of Principal Uses of the Zoning Ordinance amended by inserting a "P" in the "IND General Industrial/Industrial Park" column of said Item G. 6 of the Table.

The Petitioner, therefore respectfully requests that the Honorable Board of Mayor and Aldermen grant this Petition.

Sincerely,  
Candia Realty, LLC  
By Its Attorneys,



Nicholas J. Lazos, Esquire  
Stebbins, Lazos & Van Der Beken, PA  
66 Hanover Street  
Manchester, NH 03101

The land known as Tax Map 748, Lot 8, Candia Road, Manchester, Hillsborough County, New Hampshire, as shown on a plan entitled "TM 748 Lot 8, Dunkin Donuts, Candia Road, Manchester, NH, Development Plan" dated July 2003 Scale 1" = 50' by CLD Consulting Engineers and further described as follows:

Beginning at a point located at the southeasterly most corner of the herein described tract and the intersection of Lots 478/2, 727/33 and 727/24; thence,

- 1) North 64° 20' 22" West along Lot 478/2, a distance of 15.03 feet to a point; thence
- 2) North 74° 33' 02" West along Lot 478/2, a distance of 135.65 feet to a point; thence
- 3) North 71° 42' 43" West along Lot 478/2, a distance of 35.86 feet to a point; thence
- 4) North 77° 55' 43" West along Lot 478/2, a distance of 33.73 feet to a point; thence
- 5) North 74° 36' 15" West along Lot 478/2, a distance of 137.20 feet to a point; thence
- 6) South 03° 10' 10" West along Lot 478/2, a distance of 131.39 feet to a point; thence
- 7) South 02° 21' 39" West along Lot 478/2, a distance of 97.72 feet to a point; thence
- 8) South 02° 26' 58" West along Lot 478/2, a distance of feet 16.81 feet to a point; thence
- 9) South 02° 40' 57" West along Lot 478/2, a distance of 104.82 feet to a point; thence
- 10) South 01° 51' 33" West along Lot 478/2, a distance of 64.95 feet to a point; thence
- 11) South 04° 12' 50" West along Lot 478/2, a distance of 47.55 feet to a point; thence
- 12) South 00° 14' 17" West along Lot 478/2, a distance of 59.62 feet to a point; thence
- 13) North 79° 11' 20" West along Lot 478/2, a distance of 189.46 feet to a point; thence
- 14) North 71° 45' 20" West along Lot 478/2, a distance of 153.89 feet to a point at the southwest corner; thence



- 15) North 05° 05' 36" East along Lot 478/8A, a distance of 450.75 feet to a point; thence
- 16) North 03° 59' 37" East along Lot 478/8A, a distance of 92.09 feet to a point; thence
- 17) North 03° 22' 31" East along Lot 478/8A, a distance of 87.79 feet to a point at the northwest corner of the herein described tract; thence,
- 18) North 59° 31' 52" East along New Lot 478/8B, a distance of 354.19 feet to a point; thence
- 19) Along a curve with a radius of 57.00, a length of 116.17 feet to a point; thence
- 20) North 64° 43' 25" East, a distance of feet 52.48 to a point; thence
- 21) South 25° 16' 35" East along Lot 727/24C, a distance of feet 12.34 to a point; thence
- 22) South 25° 51' 57" East along Lot 727/24C, a distance of feet 246.35 to a point; thence
- 23) South 24° 54' 39" East along Lot 727/24C, a distance of feet 106.86 to a point; thence
- 24) South 24° 44' 34" East along Lot 727/24B, a distance of feet 109.38 to a point; thence
- 25) South 18° 19' 43" East along Lot 727/24B, a distance of feet 16.97 to the point of beginning.

All distances are approximate.

## MEMORANDUM

This Memorandum as required by Article 16 of the City of Manchester's Zoning Ordinance is in support of the application by Candia Realty, LLC related to Map 478, Lot 8 on Candia Road, Manchester, New Hampshire ("Premises") to amend the zoning map to extend the existing Residential Suburban Multifamily Zone (R-SM) to include the southerly eight (8) acre portion of the Premises.

1. The description of the portion of the Premises to be rezoned is attached hereto in the form of an Exhibit A and a proposed Development Plan.
2. The purpose and intent of the proposed amendment is to amend the zoning map to include the Rezoned Area within the R-SM Zone.
3. The existing zoning district is Industrial but The Premises abuts an existing R-SM Zone to the south and an existing R-1B zone to the west.
4. Impact on District and Adjacent Neighborhoods.

The change in zoning classification will result in a land use which is consistent with the existing uses and will be zoned in a manner consistent with abutting properties. The new zoning classification will have no effect on the adjacent properties since it will reflect and extend existing uses and appropriate uses for the Rezoned Area. The Rezoned Area will serve as a buffer between the R-1B Zoned Area and the Industrial Area to the east. The current use of the Premises will continue until such time as the Premises may be sold.

5. The proposed amendment will have a very beneficial impact on the City's economy, environment and municipal services. The proposed extension of the Suburban Multifamily Zone will provided needed apartment housing for the City and will retain a significant amount of open space. In addition, this extended R-SM Zone creates a buffer zone between the single family area to the west and the developed industrial area to the east. Any future development of the property will require approval from and review by the Manchester Planning Board which will include traffic studies, modified driveways and site plan review to address any possible impacts.

The proposed amendment of the Table of Uses of the Ordinance to permit drive through service in the Industrial Zone is consistent with the permitted uses in the Industrial Zoned areas. The drive through service enhances the convenience and accessibility of smaller restaurants which are already permitted by right in the Industrial Zone. In the present case, drive through service is already permitted in the "Wendy's Restaurant" located directly across Candia Road.

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6. Attached is a list of all abutters, addresses and tax map numbers.

Petition to ReZone  
Candia Road Lot 478/8  
Manchester, New Hampshire  
List of Abutters

Owners of record as of 7-31-03 4:00 P.M.

Lot 478/2

Eastgate Apartment Associates Limited Partnership  
540 N. Commercial Street  
Manchester, NH 03101-1146

Lot 478/8A

City of Manchester  
Tax Collector  
908 Elm Street  
Manchester, NH 03101

Lot 893/1

Wendy's Old Fashioned Hamburgers  
P.O. Box 256  
4288 W. Dublin Granville Rd  
Dublin, Ohio 43017

Lot 893/2

Wendy's Old Fashioned Hamburgers  
P.O. Box 256  
4288 W. Dublin Granville Road  
Dublin, Ohio 43017

\*\*\*\*Former owner James A. Spring

**Lot 727/24D**

Extra Space Northern Investment LLC  
2795 Cottonwood Portway #400  
Salt Lake City, UT 84121

\*\*\* Former owner Safeloc Storage

**Lot 272/24C**

Normand J. Campeau  
449 Hayward Street  
Manchester, NH 03103

**Lot 727/24B**

Robert Buckley, Trustee  
385 King Street  
Hanover, MA 02339

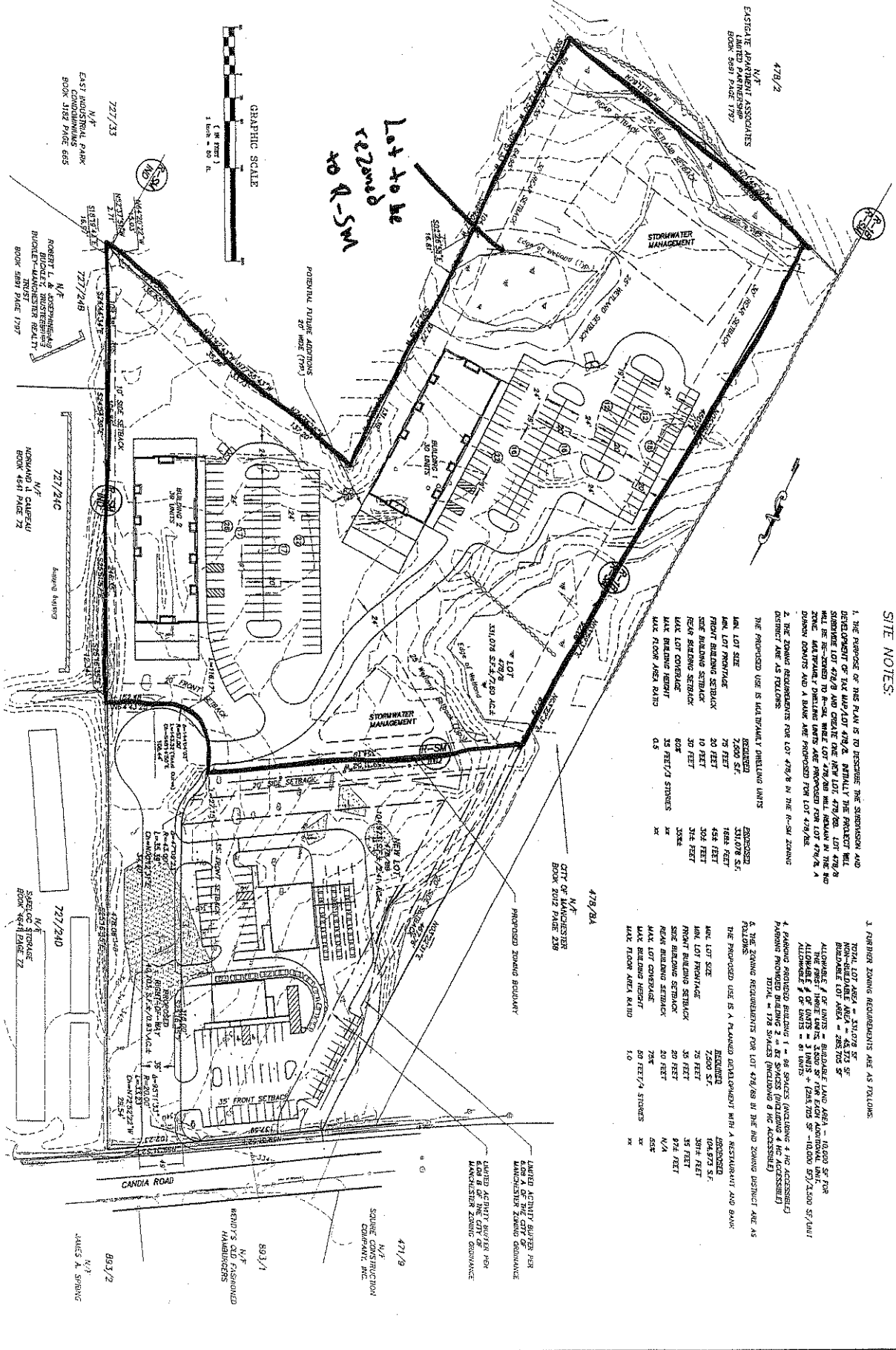
Add'l owner

Josephine Buckley as Trustee  
Buckley Manchester Realty Trust

**Lot 272/33**

Duryco LLC  
C/o DRC Realty LLC  
720 E. Industrial Park Dr. #1  
Manchester, NH 03109

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# SITE NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DESCRIBE THE SUBDIVISION AND DEVELOPMENT OF THE MAP LOT 47B.2. DETAIL THE PROJECT WILL SUBDIVIDE LOT 47B.2 AND CREATE ONE NEW LOT 47B.2B. LOT 47B.2B WILL BE RE-ZONED TO R-SM. WHILE LOT 47B.2B WILL REMAIN IN THE RD ZONE. ALL TRAILER, DRIVING UNITS ARE PROPOSED FOR LOT 47B.2. A DUNKIN' DONUTS AND A BANK ARE PROPOSED FOR LOT 47B.2B. A DISTRICT ARE AS FOLLOWS:
2. THE ZONING REQUIREMENTS FOR LOT 47B.2B IN THE R-SM ZONING DISTRICT ARE AS FOLLOWS:

THE PROPOSED USE IS MULTIFAMILY DWELLING UNITS

MAX. LOT SIZE	REQUIRED	PROPOSED
MAX. LOT PROWAGE	7,200 S.F.	10,000 S.F.
FRONT BUILDING SETBACK	20 FEET	10 FEET
REAR BUILDING SETBACK	10 FEET	30 FEET
REAR BUILDING SETBACK	30 FEET	316 FEET
MAX. LOT COVERAGE	60%	100%
MAX. FLOOR AREA RATIO	1.0	2.0

# 3. FURTHER ZONING REQUIREMENTS ARE AS FOLLOWS:

THE PROPOSED USE IS A PLANNED DEVELOPMENT WITH A RESTAURANT AND BANK

MAX. LOT SIZE	REQUIRED	PROPOSED
MAX. LOT PROWAGE	7,200 S.F.	10,000 S.F.
FRONT BUILDING SETBACK	20 FEET	10 FEET
REAR BUILDING SETBACK	10 FEET	30 FEET
REAR BUILDING SETBACK	30 FEET	316 FEET
MAX. LOT COVERAGE	60%	100%
MAX. FLOOR AREA RATIO	1.0	2.0

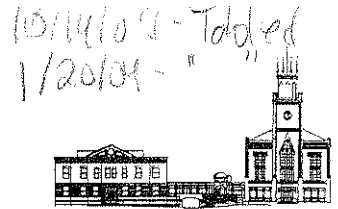


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

### Memorandum

To: Committee on Bills on Second Reading

From: Robert S. MacKenzie *RS*  
Director of Planning

Date: October 8, 2003

re: Proposed Rezoning of property on Candia Road

This request is actually composed of two parts. First, the rezoning of a portion of land from IND to R-SM on a property on the south side of Candia Road and east of I-93. Second is a text change to the ordinance that would allow drive-thru windows for restaurants in the IND district.

With respect to the map change, our staff has not had time to discuss the issues related to this. The Board may want additional information on school impacts and possible traffic. It would be my opinion, however, that the configuration of the property – particularly the southern one third – lends itself better to residential than industrial. This is because the site tucks in behind existing residential areas and certain industrial uses in this location would be disruptive of the neighborhood.

A question was also raised on whether the rezoning request complies with the 10 acre limitation of the Zoning Ordinance for R-SM zones. We are preparing a letter to the City Solicitor on this issue.

With respect to the drive-thru provision, it is our opinion that if the Board is inclined to allowing the proposed uses, that this change would be far more preferable than changing the zoning of the larger area to a commercial district. If this change were made I would note that additional changes might be required in order to avoid an anomaly in the ordinance.

I will be available at your next meeting should you have questions.

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)